Remarks

Claims 1, 5-6, 8-11, 15-16, and 18-20 are pending, and claims 1, 5-6, 8-11, 15-16, and 18-20 stand rejected. The Applicants have not amended the claims in this Response. The Applicants respectfully traverse the rejection of the Examiner as follows.

§ 103 Rejection

The Examiner rejected claims 1, 5-6, 8-11, 15-16, and 18-20 under 35 USC § 103(a) as being obvious in view of U.S. Patent 7,203,655 (Herbert), U.S. Patent Application Publication 2003/0083846 (Curtin), and U.S. Patent Application Publication 2005/0086300 (Yeager). The Applicants submit that the claims of the pending application are non-obvious over the cited references.

First of all, the Examiner has relied heavily on Herbert in rejecting claim 1. The Applicants will show that Herbert is quite different from claim 1. Herbert describes a call center that has agents to serve calls. The call center includes an automatic call distributor (ACD) 110 and a multimedia server 112 coupled to a plurality of agent workstations 130 that are manned by agents 132. When calls come into the call center, the ACD 110 receives the calls, and routes the calls to the appropriate agent 132. See Herbert, column 4, lines 47-53. The agents 132 serve the calls, and the ACD 110 and the multimedia server 112 periodically report statistic data to a central processing computer 120. See Herbert, column 4, lines 53-56. The statistic data comprises statistics on the agents 132, such as the number of calls handled, the number of time the agent spends on a call, etc. The central processing computer 120 stores the statistic data on the agents 132, and also calculates performance statistics based on the data. See Herbert, column 4, lines 56-59. The central processing computer 120 includes a performance statistics system (PSS) 128, which provides an interface to the agents 132 and their supervisors, to view the performance statistics. See Herbert, column 4, lines 63-67. Thus, each agent 132 can see how they are performing in relation to the other agents 132 of the call center.

At a high level, Herbert is not relevant to claim 1. Claim 1 describes a system that provides distributed system monitoring, where peer communication devices are able to initiate recovery actions themselves (instead of a centralized system initiating recovery for each device). Herbert simply does not teach anything like this. Herbert describes a way of collecting statistics

about agents in a call center, and allowing the agents to view their performance statistics. The Examiner is really stretching to get Herbert to teach the system of claim 1, but it is not convincing.

First of all, Herbert does not teach "a plurality of peer communication devices, where each peer communication device, responsive to handling telecommunications data, collects performance data and transfers the performance data to the control system" as recited in claim 1. The Examiner may argue that the agent workstations 130 in Herbert are peer communication devices. However, the agent workstations 130 in Herbert do not collect performance data and transfer the performance data to a control system. In Herbert, the ACD 110 collects the statistics for all of the agents 132 (or agent workstations 130), as it is the central node in the network that routes each of the incoming calls to each of the agent workstations 130. Because the ACD 110 collects the statistics for all of the agents 132, the agent workstations 130 do not collect the statistics and report the statistics to the central processing computer 120. Herbert never states that the agent workstations 130 collect the statistics and report the statistics to the central processing computer 120. Thus, Herbert does not teach this limitation of claim 1.

Secondly, the Applicants submit that Herbert does not teach the limitation of "each of the peer communication devices, responsive to receipt of the performance file, processes the performance file to compare its performance to the performance of the other peer communication devices to detect a fault". In Herbert, the agents 132 and their supervisors may view performance statistics provided by PSS 128, and the performance of each agent 132 may be evaluated based on the performance statistics. However, this is in no way indicative of peer communication devices (i.e., the agent workstations 130) receiving a performance file, and processing the performance file to compare its performance to the performance of the other peer communication devices to detect a fault. The Applicants ask the Examiner where does Herbert describe the agent workstations 130 operating in this manner? The Examiner has asserted on page 3 of the Office action that the agent workstations 130 in Herbert are peer communication devices. At the same time, the Examiner does not show that these agent workstations 130 receive a performance file, and process the performance file to compare its performance to the performance of the other peer communication devices to detect a fault. Instead, the Examiner seems to suggest that the agents 132, not the agent workstations 130, receive a performance file and process the performance file to compare its performance to the performance of the other peer

communication devices to detect a fault. By doing this, the Examiner has completely disregarded the language of claim 1. Claim 1 clearly recites that the <u>peer communication devices</u> receive a performance file, and process the performance file to compare its performance to the performance of the other peer communication devices to detect a fault. The Examiner has not shown that <u>peer communication devices</u> operate in this manner, but instead shows that peer human beings operate in some manner that appears to be similar. The Applicants believe that if the Examiner relies on the agent workstations 130 in Herbert as teaching the peer communication devices in claim 1, then we should focus on the functionality of the agent workstations 130. And, these agent workstations 130 in Herbert do not operate as do the peer communication devices in claim 1. Because the agent workstations 130 in Herbert do not process a performance file to compare its performance to the performance of the other peer communication devices to detect a fault, the Applicants submit that Herbert does not teach this limitation of claim 1.

Third, the Applicants submit that Herbert does not teach the limitation of "responsive to detection of the fault, at least one of the peer communication devices processes the performance file to identify at least one recovery action, and performs the at least one recovery action to attempt to cure the fault". Again, the agent workstations 130 in Herbert do not operate as described in this limitation. The Examiner suggests that the agents 132 look at the performances statistics through PSS 128, and alter their performance accordingly (i.e., try to work harder). With all due respect, can the Examiner really be serious here? This limitation of claim 1 clearly recites that a <u>peer communication device</u> processes the performance file to identify a recovery action, and performs the recovery action to attempt to cure the fault. The agent workstations 130 in Herbert simply do not operate in this manner, and thus, Herbert does not teach this limitation.

The Applicants do not believe the Examiner is giving proper weight to the functionality of the <u>peer communication devices</u> (i.e., ***not human beings***). One advantage of having the peer communication devices identify a fault, and initiate recovery actions is that the recovery is handled locally in each communication device. Thus, the peer communication devices do not need to rely on a centralized system to identify a fault and initiate recovery actions. This results in faster and more reliable recoveries. Herbert simply does not teach a system such as this. The agent workstations 130 in Herbert do not identify internal faults, and then initiate recovery actions to cure the fault.

In the last two Office actions, the Examiner has cited human peer groups against the

Applicants. The Applicants will concede that there are peer groups of human beings, and that there are instances where the peers in the group compare their performance against the other peers. However, this again is not particularly relevant. Claim 1 describes peer communication devices, not simply peer human beings. The Applicants do not understand why the Examiner thinks that any peer group is the same as the peer communication devices in claim 1. The Applicants believe that the Examiner should look for art that shows peer communication devices operating as described in claim 1. If he is not able to find such art, then he should allow claim 1. But the Applicants would like to avoid spending more time in prosecution arguing around human peer groups that are not relevant. If the Examiner would like to discuss the relevance of human peer groups more, the Applicants would welcome a phone call to the undersigned attorney.

Additionally, on page 2 of the Office action, the Examiner tries to summarize the prior arguments of the Applicants. The Examiner suggests that the Applicants are stating that the claimed invention contains peer-to-peer networking devices. The Applicants do not understand these comments by the Examiner. The Applicants have consistently stated that the cited art (Herbert in particular) does not teach peer communication devices that operate as recited in claim 1. More particularly, the cited art does not teach peer communication devices that, responsive to handling telecommunications data, collects performance data and transfers the performance data to a control system, processes a performance file received from the control system to compare its performance to the performance of the other peer communication devices to detect a fault, and responsive to detection of the fault, at least one of the peer communication devices processes the performance file to identify at least one recovery action, and performs the at least one recovery action to attempt to cure the fault. The Applicants have not argued peer-to-peer networking.

The Applicants further submit that neither Curtin nor Yeager teach the limitations of claim 1 that were discussed above. These two references were just used to try to make Herbert fit the claim language, but are not relevant to the limitations of claim 1. Because none of the cited reference teaches or reasonably suggests peer communication devices that operate as recited in claim 1, the Applicants submit that claim 1 is non-obvious in view of the cited references. The Applicants further submit that claim 11 and the dependent claims are non-obvious for similar reasons.

Conclusion

Based on the remarks provided above, the Applicants submit that claims 1, 5-6, 8-11, 15-16, and 18-20 are allowable over the cited art. Thus, the Applicants ask the Examiner to reconsider the rejections and allow claims 1, 5-6, 8-11, 15-16, and 18-20.

Respectfully submitted,

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